

NORFOLK, VIRGINIA

ACTION OF THE COUNCIL

TUESDAY, MAY 22, 2012 – 7:00 P.M.

Prayer offered by Councilman Paul Riddick, followed by the Pledge of Allegiance.

President Fraim moved to dispense with the reading of the minutes of the previous meeting.

Motion adopted.

Yes: Burfoot, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn and Fraim.

No: None.

CERTIFICATION OF CLOSED MEETING

A Resolution entitled, "A Resolution certifying a closed meeting of the Council of the City of Norfolk in accordance with the provisions of the Virginia Freedom of Information Act," was introduced in writing and read by its title.

ACTION: The Resolution as introduced was **adopted**, effective May 22, 2012.

Yes: Burfoot, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn and Fraim.

No: None.

PUBLIC HEARINGS

PH-1

PUBLIC HEARING scheduled this day pursuant to action of the Council on April 24, 2012 under the State law, public notice having been inserted in the local press by the City Clerk, on the application of **VISITORS OF OLD DOMINION UNIVERSITY**, for closing, vacating, and discontinuing portions of the public right-of-way: a) a 10' alley, 530 feet, more or less, west of Hampton Boulevard, from the northern line of 43rd Street northwardly 102.43 feet, b) a portion of Kenova Avenue from the southern line of 48th Street southwardly 105 feet and c) a portion of a 0.14 acre parcel along the southern line of **49th Street between Bluestone Avenue and Hampton Boulevard**.

Russ Pearson, 4401 Powhatan Avenue, was present to answer questions.

Thereupon, An Ordinance entitled, "An Ordinance closing, vacating and discontinuing a portion of a **ten foot alley north of 43rd Street and west of Hampton Boulevard**," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective May 22, 2012.

Yes: Burfoot, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No. None.

PH-1A

An Ordinance entitled, "An Ordinance closing, vacating and discontinuing a portion of Kenova Avenue from the southern line of **48th Street southwardly one hundred and five feet**," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective June 22, 2012.

Yes: Burfoot, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No. None.

PH-1B

An Ordinance entitled, “An Ordinance closing, vacating and discontinuing an irregular-shaped portion of right of way being 0.144 acre of land, more or less, along the **southern line of 49th Street between Bluestone Avenue and Hampton Boulevard** and authorizing the conveyance of any interest the City may have in the underlying fee of said portion of right of way,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective June 22, 2012.

Yes: Burfoot, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No. None.

PH-2

PUBLIC HEARING scheduled this day pursuant to action of the Council on April 24, 2012 under the State law, public notice having been inserted in the local press by the City Clerk, on the application of **NRHA**, a) for a change of zoning from R-12 (Medium Density Multiple-Family) district and PPRO (Park Place Residential Overlay) district to C-2 (Corridor Commercial) district on property bounded by Monticello Avenue and Church Street, E. 26th Street and E. 27th Street; property fronts 624 feet, more or less, along the northern line of E. 26th Street, and 210 feet, more or less, along the eastern line of Monticello Avenue; property also fronts 456 feet, more or less, along the southern line of E. 27th Street, extending 270 feet, more or less, along the western line of Church Street; premises numbered 213-307 E. 27th Street, 2601/2615 Church Street, 212-312 E. 26th Street, and b)for the closing, vacating, and discontinuing of Armistead Avenue from the northern line of E. 26th Street northwardly to the southern line of E. 27th Street.

Peter Oberle, 201 Granby Street, was present to answer questions.

Thereupon, An Ordinance entitled, “An Ordinance closing, vacating and discontinuing **Armistead Avenue from the northern line of East 26th Street northwardly to the southern line of East 27th Street, being 0.289 acre of land, more or less,**” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective May 22, 2012.

Yes: Burfoot, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No. None.

PH-2A

An Ordinance entitled, “An Ordinance to rezone properties located at **212 to 312 East 26th Street, at 2601 and 2615 Church Street, and at 213 to 307 East 27th Street** from R-12 (Multiple-Family Residential) District and PPRO (Park Place Residential Overlay) District to C-2 (Corridor Commercial District),” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective June 22, 2012.

Yes: Burfoot, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No. None.

PH-3

PUBLIC HEARING scheduled this day pursuant to action of the Council on April 24, 2012 under the State law, public notice having been inserted in the local press by the City Clerk, on the application of **DON R. CHRISTIAN**, for a rezoning to remove conditions on property zoned conditional C-2 (Corridor Commercial) district, on property fronting 75 feet, more or less, along the eastern line of Aspin Street, beginning 150 feet, more or less from the southern line of South Cape Henry Avenue and extending southwardly; premises numbered **1576 Aspin Street**.

Thereupon, An Ordinance entitled, “An Ordinance to rezone property located at **1576 Aspin Street** in order to remove conditions on property zoned Conditional C-2 (Corridor Commercial) District,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective May 22, 2012.

Yes: Burfoot, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No. None.

PH-4

PUBLIC HEARING scheduled this day pursuant to action of the Council on May 22, 2012, under the State law, public notice having been inserted in the local press by the City Clerk, to hear comments on the conveyance of a GEM Lot to **Taffare Morgan** on property located at **912 Lexington Street**.

Thereupon, An Ordinance entitled, “An Ordinance authorizing the conveyance to **Taffare Morgan** of a certain parcel of property, acquired by the City of Norfolk pursuant to Section 58.1-3970.1 of the Code of Virginia, 1950, as amended, and approving the terms and conditions of the conveyance agreement,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective June 22, 2012.

Yes: Burfoot, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No. None.

PH-5

PUBLIC HEARING scheduled this day pursuant to action of the Council on May 22, 2012, under the State law, public notice having been inserted in the local press by the City Clerk, to hear comments on the conveyance of a GEM Lot to **Henrine W. Robinson** on property located **863 A Avenue**.

Thereupon, An Ordinance entitled, “An Ordinance authorizing the conveyance to **Henrine W. Robinson** of a certain parcel of property, acquired by the City of Norfolk pursuant to Section 58.1-3970.1 of the Code of Virginia, 1950, as amended, and approving the terms and conditions of the conveyance agreement,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective June 22, 2012.

Yes: Burfoot, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No. None.

PH-6

PUBLIC HEARING scheduled this day pursuant to action of the Council on May 22, 2012, under the State law, public notice having been inserted in the local press by the City Clerk, to hear comments on the conveyance of a GEM Lot to **Keith Thompson** on property located **2425 West Avenue**.

Keith Thompson, 5521 Susquehanna Drive, Virginia Beach, was present to answer questions.

Thereupon, An Ordinance entitled, “An Ordinance authorizing the conveyance to **Keith Thompson** of a certain parcel of property, acquired by the City of Norfolk pursuant to Section 58.1-3970.1 of the Code of Virginia, 1950, as amended, and approving the terms and conditions of the conveyance agreement,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective June 22, 2012.

Yes: Burfoot, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No. None.

PH-7

PUBLIC HEARING scheduled this day pursuant to action of the Council on May 22, 2012, under the State law, public notice having been inserted in the local press by the City Clerk, to hear comments on the **Condemnation of Easement** for construction and maintenance of a wastewater main on property located at **221 Ethel Avenue**.

Henry Howell, III, One East Plume Street, attorney for the property owner, spoke in opposition to this matter.

Thereupon, An Ordinance entitled, “An Ordinance finding a public necessity for the acquisition of a permanent easement for the purpose of constructing, operating, and maintaining underground wastewater or water refuse mains along the westernmost twenty feet of the private property located at **221 Ethel Avenue**; authorizing the acquisition by condemnation of the easement at 221 Ethel Avenue, said property situate in the City of Norfolk; and acknowledging the expenditure of the sum of \$43,500.00 by the Hampton Roads Sanitation District to acquire such, pursuant to its Cost Sharing Agreement with the city dated January 4, 2011,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective May 22, 2012.

Yes: Burfoot, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No. None.

PH-8

PUBLIC HEARING scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, to hear comments on a Cooperation Agreement between the **City of Norfolk and Norfolk Redevelopment and Housing Authority (NRHA)** for the renovation of the **Monroe Building**.

Peter Oberle, 201 Granby Street, was present to answer questions.

Thereupon, An Ordinance entitled, “An Ordinance approving in principle the cooperation of the City of Norfolk with the **Norfolk Redevelopment and Housing Authority (NRHA)** for the renovation of the **Monroe Building**, approving the NRHA’s creation of such entities as may be necessary, authorizing the conveyance of the Monroe Building property to the NRHA in order to maximize the tax credits available for the renovation and authorizing the Cooperation Agreement between the city and NRHA,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective June 22, 2012.

Yes: Burfoot, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No. None.

CONSENT AGENDA

C-1

Letter from the City Manager presenting recommendation of the **City Planning Commission** on the application of the **City Planning Commission**, to amend Chapter 25 of the **Zoning Ordinance of the City of Norfolk, 1992**, to modify provisions governing Adult Use Establishments abutting a residential zoning district..

ACTION: City Clerk authorized to advertise for a public hearing on June 12, 2012.

Yes: Burfoot, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No. None.

C-2

Letter from the City Manager recommending a public hearing be held to hear comments on the conveyance of a GEM Lot to **Kearney Stephens, et als** on property located at **121 E. Indian River Road**.

ACTION: City Clerk authorized to advertise for a public hearing on June 12, 2012.

Yes: Burfoot, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No. None.

C-3

Letter from the City Manager recommending a public hearing be held to hear comments on the conveyance of a GEM Lot to **Leavy Harold** on property located at **874 C Avenue**.

ACTION: City Clerk authorized to advertise for a public hearing on June 12, 2012.

Yes: Burfoot, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No. None.

C-4

Letter from the City Manager presenting recommendation of the **City Planning Commission** on the application of **Edward Legum** for a change in proffered conditions on property zoned Conditional I-1 (Limited Industrial) district on property located at **2301 Tidewater Drive**.

ACTION: City Clerk authorized to advertise for a public hearing on June 12, 2012.

Yes: Burfoot, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No. None.

C-5

Letter from the City Manager presenting recommendation of the **City Planning Commission** on the application of **Norfolk Redevelopment and Housing Authority** for a change in zoning from R-11 (Moderate Density Multiple-Family) and OSP (Open Space Preservation) district to Conditional R-13 (Moderately High Density Multiple-Family) district at property located at **3101-3321 Kimball Terrace**.

ACTION: City Clerk authorized to advertise for a public hearing on June 12, 2012.

Yes: Burfoot, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No. None.

C-6 Letter from the City Clerk transmitting an Abstract of Votes cast in the City of Norfolk at the General Election held on May 1, 2012.

ACTION: Received and filed.

Yes: Burfoot, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No. None.

REGULAR AGENDA

R-1 Letter from the City Manager and an Ordinance entitled, “An Ordinance granting a **Special Exception** to permit the operation of an eating and drinking establishment on property located at **905 East Ocean View Avenue**,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective May 22, 2012.

Yes: Burfoot, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No. None.

R-2 Letter from the City Manager and an Ordinance entitled, “An Ordinance granting a **Special Exception** to permit the operation of an automobile repair facility on property located at **931 and 933 Pecan Point Road**,” was introduced in writing and read by its title.

ACTION: Continued to June 12, 2012.

Yes: Burfoot, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No. None.

R-3

Letter from the City Manager and an Ordinance entitled, “An Ordinance granting a **Special Exception** to permit the operation of a Tattoo Parlor and Tattoo School on property located at **861 Monticello Avenue**,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective May 22, 2012.

Yes: Burfoot, Protogyrou, Smigiel, Whibley, Williams, Winn, and Fraim.

No. Riddick.

R-4

Letter from the City Manager and an Ordinance entitled, “An Ordinance granting a **Special Exception** to permit off-lot parking on property located at **2910 Granby Street and 109 and 111 East 30th Street**,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective May 22, 2012.

Yes: Burfoot, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No. None.

R-5

Letter from the City Manager and an Ordinance entitled, “An Ordinance granting a **Special Exception** to permit the operation of an entertainment establishment on property located at **411 Granby Street, Suite 10**,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective May 22, 2012.

Yes: Burfoot, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No. None.

R-6

Letter from the City Manager and the following three Ordinances:

An Ordinance entitled, “An Ordinance granting a **Special Exception** to permit a retail goods establishment to operate after midnight on property located at **6301 North Military Highway,**” was introduced in writing and read by its title.

Ellis James, 2021 Kenlake Place, commented on some concerns regarding sale of alcohol beverages for off-premises consumption.

Ryan Jenkins, 1700 Willow Lawn Drive, Richmond, spoke in favor of this matter.

Councilman Smigiel moved to continue this matter to June 12, 2012.

ACTION: MOTION LOST.

Yes: Burfoot, Riddick, Smigiel and Fraim.

No. Protogyrou, Whibley, Williams, and Winn.

R- 6A

Thereupon the Ordinance was read by its caption.

ACTION: The Ordinance as introduced was **adopted**, effective May 22, 2012.

Yes: Burfoot, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No. None.

R- 6B

An Ordinance entitled, “An Ordinance granting a **Special Exception** to permit the operation of a gas station (sales only) on property located at **6301 North Military Highway,**” was be introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective May 22, 2012.

Yes: Burfoot, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No. None.

R-6C

An Ordinance entitled, “An Ordinance granting a **Special Exception** to permit the sale of alcoholic beverages for off-premises consumption on property located at **6301 North Military Highway**,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective May 22, 2012.

Yes: Burfoot, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No. None.

R-7

Letter from the City Attorney and an Ordinance entitled, “An Ordinance directing the City Treasurer to issue a refund to **Port Norfolk Transport Inc.**, based upon the correction of business license tax assessments for tax years 2009 through 2012,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective May 22, 2012.

Yes: Burfoot, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No. None.

R- 8

Letter from the City Attorney and an Ordinance entitled, “An Ordinance directing the City Treasurer to issue a refund to **Virginian-Pilot Media Companies, LLC** based upon the correction of personal property tax assessments for tax years 2008 through 2010,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective May 22, 2012.

Yes: Burfoot, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No. None.

R-9

Letter from the City Attorney and an Ordinance entitled, “An Ordinance directing the City Treasurer to issue a refund to **Norfolk and Portsmouth Belt Line RR Co.**, based upon the correction of a public service corporation property tax assessment for tax year 2012,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective May 22, 2012.

Yes: Burfoot, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No. None.

R-10 Letter from the City Attorney and an Ordinance entitled, “An Ordinance directing the City Treasurer to issue a refund to **Symantec Corp.** based upon the correction of business license tax assessments for tax years 2011 and 2012,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective May 22, 2012.

Yes: Burfoot, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No. None.

R-11 Letter from the City Attorney and an Ordinance entitled, “An Ordinance directing the City Treasurer to issue a refund to **Tindall Corporation** based upon the correction of business license tax assessments for tax years 2011 and 2012,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective May 22, 2012.

Yes: Burfoot, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No. None.

R-12 Letter from the City Attorney and an Ordinance entitled, “An Ordinance directing the City Treasurer to issue a refund to **Advanced Technologies in Home Care, Inc.**, based upon the correction of business license tax assessments for tax years 2011 and 2012,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective May 22, 2012.

Yes: Burfoot, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No. None.

R-13

Letter from the City Attorney and an Ordinance entitled, “An Ordinance directing the City Treasurer to issue a refund to **Kramer Tire Company** based upon the correction of business license tax assessments for tax year 2012,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective May 22, 2012.

Yes: Burfoot, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No. None.

R-14

Letter from the City Attorney and an Ordinance entitled, “An Ordinance directing the City Treasurer to issue a refund to **Odyssey Health Care Operations, B, LP.** based upon the correction of business license tax assessments for tax years 2011 and 2012,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective May 22, 2012.

Yes: Burfoot, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No. None.

R-15

Letter from the City Attorney and an Ordinance entitled, “An Ordinance directing the City Treasurer to issue a refund to **N.B. Handy Co.,** based upon the correction of business license tax assessments for tax years 2008 through 2012,” will be introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective May 22, 2012.

Yes: Burfoot, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No. None.

R-16

Letter from the City Manager and an Ordinance entitled, “An Ordinance to repeal four subsections of Section 25-653, and to amend and reordain Sections 25-649 and 654, of the **Norfolk City Code, 1979, SO AS TO** add one new right turn on red prohibition, and ten new stop intersections,” was introduced in writing and read by its title.

Ellis James, 2021 Kenlake Place, spoke in opposition to the stop sign at Grimes Avenue.

ACTION: Continued to June 12, 2012.

Yes: Burfoot, Riddick, Whibley, Williams, Winn, and Fraim.

No. Protogyrou and Smigiel

R-17

Letter from the City Manager and an Ordinance entitled, “An Ordinance permitting **Rosemyr Corporation** to encroach into the right-of-way at **742 West 21st Street** with an existing building, canopy, awning and signage,” was introduced in writing and read by its title.

Robyn Thomas, 913 West 21st Street, Suite C, was present to answer questions.

ACTION: The Ordinance as introduced was **adopted**, effective May 22, 2012.

Yes: Burfoot, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No. None.

R-18

Letter from the City Manager and an Ordinance entitled, “An Ordinance permitting the **United States of America Department of the United States Navy**, to encroach into the right-of-way of 6500 Hampton Boulevard with an existing concrete wall and fence along the back of the sidewalk, an existing 20’ section of fence attached to the bridge and a portion of a concrete bulkhead, and a proposed 20’ section of fence to be added along the bridge,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective May 22, 2012.

Yes: Burfoot, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No. None.

R-19

Letter from the City Manager and an Ordinance entitled, “An Ordinance accepting \$167,122.80 from the **Virginia Department of Health, Office of Emergency Medical Services, for the “Four for Life” Aid-To-Locality Program** and appropriating and authorizing the expenditure of \$167,122.80 from the Virginia Department of Health, Office of Emergency Medical Services, for the “Four for Life” Aid-To-Locality Program to be used for medical training purposes and to purchase emergency medical equipment,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective May 22, 2012.

Yes: Burfoot, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No. None.

R-20 Letter from the City Manager and an Ordinance entitled, “An Ordinance approving a **Nonexclusive Conduit Construction Franchise Agreement with Level 3 Communications of Virginia, Inc.,**” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective June 22, 2012.

Yes: Burfoot, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No. None.

R-21 Letter from the City Manager and an Ordinance entitled, “An Ordinance closing certain City-owned docks to public use during the **OpSail 2012 Virginia Celebration,**” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective May 22, 2012.

Yes: Burfoot, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No. None.

R-22 Letter from the City Manager and an Ordinance entitled, “An Ordinance establishing certain public areas and streets of the City of Norfolk as the “**Primary Festival Area**” and the “**Extended Festival Area**” and setting forth the regulations applicable to each such Festival Area for the **OpSail 2012 Virginia Celebration,**” was introduced in writing and read by its title.

Ellis James, 2021 Kenlake Place, spoke in opposition to this matter.

ACTION: The Ordinance as introduced was **adopted**, effective May 22, 2012.

Yes: Burfoot, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No. None.

R-23

Letter from the City Manager and an Ordinance entitled, “An Ordinance to amend and reordain the **Norfolk City Code, 1979**, by adding a new chapter designated ‘Chapter 34.3 Pedicabs’,” was introduced in writing and read by its title.

Andrew C. Bargy, 2453 North Sandpiper Road, was present in favor of this matter but did not speak.

ACTION: The Ordinance as introduced was **adopted**, effective May 22, 2012.

Yes: Burfoot, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No. None.

R-24

Letter from the City Manager and an Ordinance entitled, “An Ordinance appropriating funds for **Operation of the City for the Fiscal Year beginning July 1, 2012 and ending June 30, 2013**, authorizing short-term equipment financing, authorizing a supplement for retirees, increasing certain fees, providing funds for a real estate tax exemption and deferral and regulating the payment of money from the City Treasury,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective July 1, 2012.

Yes: Burfoot, Protogyrou, Smigiel, Whibley, Williams, Winn, and Fraim.

No. Riddick.

R-25

Letter from the City Manager and an Ordinance entitled, “An Ordinance approving the **Capital Improvement Plan Budget for the Fiscal Year beginning July 1, 2012 and ending June 30, 2013**; appropriating \$93,580,300 for certain projects approved therein; authorizing an issue of bonds in the amount of \$84,042,444; authorizing the expenditure of \$4,874,866 in cash, of which \$1,000,000 is appropriated from the Public Amenities Fund and \$330,000 is appropriated from the Parking Facilities Fund MacArthur Center New Garage Reserve Fund; and the reappropriation of \$4,662,990 of previously authorized, but unissued, Bonds,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective July 1, 2012.

Yes: Burfoot, Protogyrou, Smigiel, Whibley, Williams, Winn, and Fraim.

No. Riddick

R-26

Letter from the City Manager and an Ordinance entitled, “An Ordinance appropriating Grant Funds totaling \$50,352,098.00 to the **School Board of the City of Norfolk** for Title I Programs, other Special Programs and the Child Nutrition Services Program and authorizing the expenditure of the funds in Fiscal Year 2013 for Norfolk Public Schools,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective July 1, 2012.

Yes: Burfoot, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No. None.

R-27

Letter from the City Manager and an Ordinance entitled, “An Ordinance approving **the FY 2013 Annual Plan for the Consolidated Plan (Fiscal Years 2012 through 2016)**, approving the Applications for the Community Development Block Grant (CDBG) Program, Home Investment Partnership (HOME) Program, and Emergency Solutions Grant (ESG) Program Funds, appropriating and authorizing the expenditure of \$3,887,210 in CDBG Grant Funds, \$275,000 in CDBG Program income received from revolving loan fund, \$1,024,324 in Home Grant Funds, \$15,495 in Home Program income received as earnings, \$408,550 in ESG Grant Funds, \$2,525,154 in CDBG re-programmed funds and \$646,646 in Home re-programmed funds and authorizing the appropriate City Officials to do all things necessary to receive the funds and carry out the programs,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective July 1, 2012.

Yes: Burfoot, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No. None.

R-28

Letter from the City Manager and an Ordinance entitled, “An Ordinance approving **the July 1, 2012 through June 30, 2013 Budget for the Norfolk Law Library**, authorizing the City Treasurer to make disbursements and appropriating and authorizing the expenditure of up to \$288,010.00 by the Norfolk Law Library from monies assessed and collected by the City as part of the costs in Civil Court Actions in accordance with the approved budget, and the October 1, 1987 Agreement among the City, the Norfolk Law Library and the Norfolk and Portsmouth Bar Association,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective July 1, 2012.

Yes: Burfoot, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No. None.

R-29

Letter from the City Manager and an Ordinance entitled, “An Ordinance to **amend and reordain Sections 3, 6 and 8 of Ordinance Number 44,243** entitled ‘An Ordinance approving the FY 2012 Annual Plan for the Consolidated Plan (Fiscal Years 2012-2016), approving the applications for Community Development Block Grant (CDBG) Program, Home Investment Partnership (Home) Program and Emergency Shelter Grant (ESG) Program Funds, appropriating and authorizing the expenditure of \$5,026,108 in CDBG Grant Funds, \$2,139,402 in Home Grant Funds, \$282,781 in ESG Grant Funds and authorizing the appropriate City Officials to do all things necessary to receive the funds and carry out the Programs’, **SO AS TO** increase the funding for CDBG Program by \$22,710; increase the funding for the Home Program by \$1,629; and increase the funding for the ESG Program by \$73,167,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective May 22, 2012.

Yes: Burfoot, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No. None.

NEW BUSINESS

1. Jane Bethel, 5632 Brandon Boulevard, Virginia Beach, commented on the city’s bullying policy.
2. Merle Rutledge, 932 Reservoir Avenue, commented on how the city attorney’s office deals with criminal matters.
3. Danny Lee Ginn, 3844 Dare Circle, spoke regarding good government.